

Remarks:

Applicant has read and considered the Office Action dated September 29, 2009 and the references cited therein. Claims 1, 4-13 and 15-20 have been amended. Claims 2-3 have been cancelled without prejudice or disclaimer. Claims 1 and 4-20 are currently pending. Reconsideration is hereby requested.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Delzanno et al. (US2003/0052499) in view of Bell (US6431628). Applicant traverses the rejection.

Applicant asserts that upon careful review of Delzanno, it can be seen that Delzanno does not teach or suggest an oven. The present invention is concerned with ovens, and more particularly with devices that can heat food efficiently to temperatures that are appropriate for the cooking of food and/or the regeneration of food from a frozen state. That is very different from providing a device in which a previously cooked or heated article, which is already hot, is transported while merely being kept warm. Delzanno clearly states it is concerned with apparatus "for keeping hot and for transporting dishes." It refers to the device disclosed as a "dish heater" or as a "container." It is particularly concerned with maintaining suitable humidity conditions to avoid the problems of increased humidity (resulting in softening of the transported product).

In addition, Delzanno does not teach or suggest heating of an air feed before it enters an oven cavity. Delzanno stresses the importance of heating the air within the container 2. At paragraph [0022] it is stated "It is of great importance, however, to stress that the heat must be transmitted to the air contained in the container 2 by simple heat conduction and heat radiation." In the present invention, by contrast, it is required that an air feed is heated before it is fed into the oven cavity, the primary heating process within the oven cavity being convection.

Moreover, as discussed above, Delzanno envisages only provision of a heat exchanger within the container 2, which heats air within the container. Therefore, there can be no disclosure of a second heating device, as acknowledged in the Office Action. Applicant asserts that the use of a second heating device would not be obvious to one of ordinary skill in the art.

The Office Action contends that Delzanno discloses electrically powered heating elements. The disclosure is, however, general and vague and there is no actual teaching as to how such heating elements are to be used in practice. The present invention is concerned with an oven for use on a vehicle. The oven of the present invention is required to be a convection oven, with the air being heated before entry to the oven cavity by a heating arrangement having first and second heating devices comprising an electrically powered, heating device and a further heating device. The first and second heating devices are located so that the air feed is heated by these first and second heating devices in series. Claim 1 explicitly requires that the heating arrangement is arranged to maintain a temperature of at least 130°C in an oven in which food is cooked or regenerated from frozen. This is fundamentally different than merely maintaining a temperature of 130°C in an insulated container in which the food was already hot and the energy absorption by the food is much lower.

The Office Action contends that Bell discloses a second heating device and that it would have been obvious to one of ordinary skill in the art to have included a second heating device in the “oven” of Delzanno et al. “because a second heating device and a control device allow for amore uniform heating.”

Bell relates to a mobile pizza kitchen in which the vehicle is driven to a location in which the food is required and the pizzas are cooked while the vehicle is stationary. Thus, whereas Delzanno is concerned with cooking foods at a remote location and keeping them warm during delivery to the consumer, Bell transfers the cooking to the location where the food is required. Thus, Bell teaches in an entirely different direction from Delzanno, and a person skilled in the art

would not looked to Bell nor have considered modifying the teaching of Delzanno by including features drawn from the contrary teaching of Bell.

Bell describes his heating devices as cooking the pizzas in about two minutes (see col. 10, lines 16-18). The person of ordinary skill in the art would not consider including such a heating arrangement in Delzanno, which stresses humidity control and maintaining the characteristics of the previously cooked product for long periods.

Moreover, Bell uses radiation type ovens (see col. 7, lines 3-19). Radiant heaters, by the nature of their heating mechanism, would have to be included within the oven cavity. Thus, Bell teaches against heating of an air feed before it enters the oven cavity and against controlling the humidity levels as in Delzanno as the systems are used to achieve entirely different goals.

Applicant asserts that the contention in the Office Action that inclusion of the heating device of Bell in the container of Delzanno would result in a "more uniform heating" is without foundation. The heating system of Delzanno and the heating system of Bell are of completely different kinds. Bell's system is designed for intensive heating of one pizza from above and below, resulting in cooking of the product, thus deliberately inducing very substantial changes in texture and moisture content. Delzanno's system is designed to keep warm a plurality of items, especially pizzas, while controlling humidity to maintain the previously cooked product, thereby minimizing the effect on product characteristics. Incorporation of Bell's heater would have precisely the opposite effect to improving uniformity of heating as it would involve intensive local heating of items exposed to the Bell heater. Applicant asserts that there is no support provided for the contention that a skilled person, considering combining the teaching of Bell with Delzanno, would add the heater of Bell, rather than completely replacing the heater of Delzanno by that of Bell. Therefore, the references teach away from combining.

The teaching of Bell with Delzanno would have been counter-intuitive, and even if the skilled person had considered making such a combination, it would not have led to an oven having all of the features of claim 1.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

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PATENT TRADEMARK

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 12/29/09

By: 

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GAS/km